

APPROVED: Meeting No. 25-82

ATTEST:

*Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 19-82

May 17, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 17, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow, Assistant City Manager Daniel Hobbs; Director of Public Works Robert Goodin; Director of Finance John Lawton; City Clerk Helen Heneghan; Chief of Police Jared Stout; Director of Community Resources Bert Drayton; Director of Recreation and Parks Ronald Olson; Budget Officer Anna Lee Berman

Re: City Manager's Report

Mr. Blick reported the following:

1. The County Council discussed the Landfill at its work session last Friday. The Assistant City Manager attended the work session for 14 hours. At the end, they turned down the appropriations for a supplemental grant to operate the landfill from June 1 to July 1. They did, however, allocate the funds for operation from July 1. The question now is what will become of the trash in the interim. There exists the possibility of a change in that decision in a reconsideration on tomorrow's agenda.
2. Fleet Street was opened last week. Today, Monroe Street is being resurfaced.
3. The construction of the parking lot behind City Hall began today. The construction of the storm water management project on Carnation Drive is nearing completion.

Councilman Duncan asked if anything is scheduled on the County Council's agenda for tomorrow on the appropriation. The City Manager said there is nothing scheduled, but a move for reconsideration is possible.

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Re: Award of Contract; Bid No.  
38-82, Construction of Phase  
II of Wootton's Mill Park

Bids were opened in the Council Chamber at City Hall on April 14, 1982, at 3:00 p.m. for landscaping and general construction for Woottons Mill Park - Phase II. This project is in accordance with the Mayor and Council's approved park master plan for Woottons Mill Park.

The bids received were as follows:

<u>Company</u>	<u>Total Bid Price</u>	<u>Adjusted Items &amp; Quantity, Bid Price</u>
Peak, Inc., Beltsville, Maryland	\$289,934.85	\$197,076.05
Moore Golf, Inc., Culpeper, Virginia	\$297,365.12	\$203,150.56
Ray Sears & Sons, Inc. Cambrills, Maryland	\$291,630.55	\$205,652.95
E. Stewart Mitchell, Inc. Baltimore, Maryland	\$356,028.05	\$232,065.14

The bids were submitted to contract for Phase II improvements to Woottons Mill Park Including:

- Informal Play Field
- Basketball Court
- Practice Tennis Wall
- Fitness Trail
- Play Equipment Area
- Bike Paths & Bridges
- Tennis Court/Garden Plot Parking Area
- Trash Receptacles, Benches & Bike Rack
- Park Signs
- Trees & Wildlife Planting
- Woottons Grist & Saw Mill Historical Markert

Funds for the project are provided in Project R-204 of the FY 82 CIP in the amount of \$200,000 for park improvements. 75 percent of the funding is provided by the state of Maryland's Program Open Space; the other 25 percent is funded by the City's Storm Water Management Fund.

It is obvious that the original bid prices exceeded the amount of funding available to complete the construction of all items specified in the Phase II park development.

The City had the option in the bid to reduce or eliminate bid items or quantities based on unit prices submitted by each of the four bidders.

The staff reviewed the list of prioritites the citizens developed during the planning process held last year, and temporarily deferred the following items in order to reduce the cost and bring the project within the \$200,000 budget. These items were eliminated from the bid.

- 50 percent of the pathways
- one of the two play areas
- one of the two pathway system bridges
- park entrance sign
- basketball court benches

The total estimated cost of the eliminated items is \$89,934.85.

Staff recommends the Mayor and Council award Bid No. 38-82 to Peak, Inc. for the adjusted items and quantity at a bid price of \$197,076.05.

Councilman Tyner asked if the eliminated items will be the subject of a later arrangement. The City Manager said that is possible. Councilman Duncan asked how the staff decided what to eliminate. Mr. Olson explained that it was based on meetings with the citizens and the items were prioritized. Councilman Duncan asked if there was a priority on the items in the bid statement. Mr. Olson said it was an itemized bid with unit prices. Councilman Duncan asked if the staff had considered rebidding the item. The City Manager said rebidding is done occasionally when prices exceed the estimated amount, but it is a long and costly process.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 38-82 for Woottons Mill Park - Phase II - was awarded to Peak, Inc., for the total price of \$197,076.05.

Re: Selection of Independent  
Auditor for the City audit,  
FY 82

The Auditor Evaluation Committee recommends the appointment of the audit team of Peat, Marwick, Mitchell & Company and Hill, Taylor & Company, a minority CPA firm, to conduct the City's audits. These firms would conduct the audits for fiscal years 1982, 1983, and 1984. An additional two years would be negotiated if performance is satisfactory. The total three year cost is \$79,400.

This recommendation is made as the result of an extensive and objective evaluation process.

Councilman Duncan asked if the staff is comfortable with the use of two firms as suggested. Mr. Lawton said they are. Councilman Abrams noted that

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Peat and Hill are the only joint venture discussed. He asked if that counted in the rating. Mr. Lawton said it did not. Councilwoman Hovsepian asked for an explanation of the change in auditing. The City Manager explained that Arthur Anderson would have liked to stay with the City, but the policy is to change the City's auditors every five years.

Councilman Tyner explained that professional services do not require competitive bidding. Councilwoman Hovsepian noted that the audit selection committee consisted of the Finance Director and the Budget Officer and Councilman Tyner.

On motion of Councilman Abrams, duly seconded and unanimously passed, the firm of Peat, Marwick, Mitchell & Company and Hill, Taylor & Company, a minority CPA firm, were chosen to conduct the City's audit.

Re: Resolution: To grant Exploratory Application, RTH-1-82, for the Construction of 49 townhouse units at Tildenwood Drive north of Montrose Road

Resolution No. 12-82

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Resolution No. 12-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, granting exploratory application, RTH-1-82, was adopted by the Mayor and Council.

Re: Introduction of Ordinance:  
To Grant Street Closing Application, SCA-39-82, to abandon a portion of Baltimore Road at the B&O right-of-way and Stonestreet Avenue

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to grant Street Closing Application, SCA-39-82, said ordinance to lay over one week before final action is taken.

Re: Introduction of Ordinance:  
To grant Street Closing Application, SCA-40-82, to abandon a portion of Tildenwood Drive at Montrose Road

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to grant Street Closing Application, SCA-40-82, said ordinance to lay over one week before final action is taken.

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Councilman Tyner asked, referring to Item 2b in the ordinance, that an explanation of where it sits on the plat be furnished to the Council when this ordinance comes back next week for adoption.

Re: Introduction of Ordinance:  
To amend section 7-2.16 of  
the Laws of Rockville, Chapter  
7, entitled Water Consumption  
Charge

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to amend section 7-2.16 of the Laws of Rockville, said ordinance to lay over one week before final action is taken.

Re: Introduction of Ordinance:  
To amend section 7-2.17 of  
the Laws of Rockville, Chapter  
7, entitled Sewer Usage Charge

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to amend section 7-2.17 of the Laws of Rockville, said ordinance to lay over one week before final action is taken.

Re: Introduction of Ordinance:  
To Appropriate Funds and Levy  
Taxes, FY 83

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to appropriate funds and levy taxes for FY 83, said ordinance to lay over one week before final action is taken.

Re: Citizen's Forum

The Mayor opened the meeting to those citizen's who wished to address the Council:

1. Stephen Fisher, President of Rockville Civic Federation. Mr. Fisher told the Council that the Civic Federation will be meeting on May 27, and will be working out their schedule and work program for the following year. He hoped that the Mayor and Council could attend. Councilman Tyner commented that once again, the Civic Federation meeting coincides with the meeting of the Montgomery County Chapter of the Maryland Municipal League.

2. Peter Hartogensis, 36 Orchard Way South, representing the Potomac Woods Civic Association. Mr. Hartogensis told the Council that on April 21, five members of the Mayor and Council came and visited his association for

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a candidates' forum and at that time, the need for a traffic light at Falls and Dunster Road was brought up. Since that time the civic association has been in contact with the State as suggested by the Mayor and Council and has some support. Now they would like additional support and backup from the Mayor and Council. Mayor Freeland asked the City Manager and the traffic engineer to work with the civic association to bring this about.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Elwood Smith Park Council
2. Human Rights Commission re Community Forum invitation

Councilwoman Hovsepian read this letter of invitation to the community forum for the benefit of the audience

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Assistant City Manager re County cable applicants addressing Rockville issues
2. Copy of response to citizen complaint
3. Memo re Memorial Day Parade
4. Memo from Humanities Commission re project
5. Memo from Planning Department re 200 block of N. Adams Street
6. Memo from Assistant City Manager re Oaks Landfill site
7. Copy of letter to County from State of Maryland
8. Memo from L&I re 214 North Adams Street

Re: New Business

1. Councilwoman Hovsepian noted that when Winmar/Nordal briefed the candidates prior to election a discussion came up about a letter of intent to employ Rockville people if they are qualified. She asked that this be included in the negotiations. The Mayor asked the City Attorney to draw up such a letter and have the Council review it and have it added to the agreement.

2. Councilwoman Hovsepian noted that last week the Council was given an update on negotiations. She asked if the Council might have a complete update on the Mall beginning with the original investment; the amount spent for

debt service, income and outgo; taxes unpaid; the loss due to lack of investment; the losses to the City not only due to nonpayment but also to lack of investment of funds had they been paid. Mayor Freeland asked that the staff furnish this to the Council with what facts they have available along with an estimate of how much time it would take to give it in the detail requested. Councilman Tyner asked that this might be given to the Council prior to any other considerations. Mayor Freeland asked if that might be amended and given prior to decision, not necessarily consideration. Councilman Duncan asked if this would be given on a year-by-year basis. The City Manager said the staff will do its best, but the question of loss due to uninvested funds is most difficult to answer just as it is difficult to put a price on the profit in taxes to the City from the development that came around the Mall as a result of urban renewal in the City. Councilman Abrams also asked that there might be a status report on the parking district proposal.

3. Councilman Duncan asked if the Mayor and Council might have an idea of the procedure the City follows when there are noise violations in shopping centers. He has had two trash complaints, one from the Twinbrook Center at 3 a.m. and another from Ritchie Park at 4 a.m. The City Manager explained that the Montgomery County Environmental Protection Department enforces the City's Noise Control but it is always possible for the City to contact the trash company and ask them to revise and adjust their schedule.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned to immediately reconvene in work session on the budget.

Re: Work Session on CIP

The Mayor and Council convened in work session. In attendance were the Chairman of the Planning Commission, Granville Paules, and the Planning Commission members Carlos Caban, Leah Barnett and Frances Manderscheid.

John Lawton, Director of Finance, showed a series of slides on the budget debt requirements for the proposed CIP and predicted capital borrowing requirements. The point that was stressed by the City Manager was in their deliberations in order to move projects forward or add a project there should be one moved back or deleted to maintain a balance.

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## RECREATION AND LEISURE TIME SERVICES

R-1 - Works of Art in Public Places

The Mayor and Council made no comment.

R-104 - Addition to City's Aquatic Facilities

The City Manager suggested this be handled on a pay-as-you-go basis.

R-103 - Civic Center Auditorium Stage Area Expansion

Councilwoman Hovsepian asked what improvements this would be. The City Manager passed out a memorandum to the Council listing all the improvements. Councilman Tyner stressed the necessity of the flyways and catwalks in order to put on better productions. Mayor Freeland suggested that the Mayor and Council consider options that do not involve tax dollars and talk to private people who will make contributions. The City Manager again addressed the fact that 500 seats in the auditorium is really not sufficient to make it pay.

R-200 - Broome Athletics Park

Mayor Freeland asked who the users would be. Mr. Olson said it would primarily be adults and explained for the benefit of those this evening the tremendous amount of use of Dogwood Park and the fact that the neighbors were contacted and favored this contract. Use was also discussed by the Council. The Planning Commission noted the Project R-203 for Civic Center Tennis Courts has been dropped.

R-216 - Veirs Mill Road Landscaping

No change was made.

R-217 - Bikeways

The Planning Commission said there is a lack of data to show the demand for bikeways from the commuter aspect. They are certainly necessary from a recreation standpoint. Mr. Olson passed out the bikeway report and explained the process. Mayor Freeland questioned building bikeways before sidewalks and it was explained that in some sections of the City sidewalks are used for bikeways. Councilman Abrams asked the staff to come back with some information on what is necessary for the useable segments with the idea of 'finish this phase because it leads to a logical conclusion stage'.

R-218 - Dawson Farm Park (Rocky Glen)

The Planning Commission suggested that the project description be expanded so that each phase can be explained. The Council discussed the status of the farm house and will await more information from Peerless Rockville.

R-221 - North Rockville Jr High School Site Acquisition

Chairman Paules does not suggest the City buy it since there is enough greenspace in that area; however, the possibility of getting it at no cost should be pursued, otherwise it is a logical place for townhouses to be built.



## TRANSPORTATION

T-3 - Stonestreet Avenue: Baltimore Road to Veirs Mill Road Ramps

Councilwoman Hovsepian asked if the City has any control over the ramps or the ramp areas. The City Manager will be returning with more information on that.

T-5 - Monroe Street at Hungerford Drive Widening

Councilman Tyner asked that the demolition of the ramp on 355 be considered. This would expand Hungerford Drive to three lanes. He asked that staff come back with the cost.

T-5 - Monroe Street at Hungerford Drive Widening

The Mayor and Council made no comment.

T-12 - Ritchie Parkway: Seven Locks Road to Rockville Pike

Councilman Abrams asked the planning and design be moved forward to 1983. The City Manager will come back with more information.

T-15 - Gude Drive: Southlawn Lane/Maryland Route 28

The description needs to be changed. Councilman Tyner asked the possibility of an extra turn lane on 355 at Gude. Mr. Cutro explained that the bridge is the current constraint since it is only three lanes.

T-29 - Richard Montgomery Drive Widening

No change was made.

T-30 - Martins Lane Expansion

Mayor Freeland asked that the staff come back with more explanation.

T-31 - West Montgomery Avenue/Van Buren Widening

Discussion was postponed on this.

T-32 - Jefferson/Rollins Intersection Improvements

No change was made.

T-33 - West Montgomery Avenue: Washington Street to 200 feet west

The City Manager said more staff discussion is needed on this for clarification. Councilman Tyner suggested that improvements at West Montgomery should be made with the traffic flow in mind, not the historic district.

T-501 - Ritchie Parkway/Seven Locks Road Traffic Signal

It was suggested by the Planning Commission that this be moved forward to FY 83. Councilman Abrams agreed. Mr. Cutro said it is needed for safety purposes. Councilman Tyner asked the progress on the cul-de-sac. Mr. Cutro said it may not be necessary with the new design.

T-502 - North Washington Street/Dawson Avenue Traffic Signal

Councilman Tyner asked the status of the traffic island. Mr. Cutro said it will be in place in sixty days. The Council asked that the traffic light planning and design be moved forward.

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T-805 - Ritchie Parkway Sidewalk: Fallsmead Way/Greenplace Terrace

The City Manager said the sidewalk is needed for school children. The Planning Commission asked it to be moved forward to FY 83.

T-806 - Park Road Sidewalk

The Planning Commission suggested moving it forward to FY 84.

T-1001 - General Fund Contingency for Special Assessment Projects

The Mayor and Council made no comment.

ENVIRONMENT

E-2 - Multi-Purpose Lake

No change was made.

E-4 - Woodley Gardens Park-Storm Water Management Facility

No change was made.

E-5 - Anderson Park Dry Pond

No change was made.

E-6 - Thomas Farm Storm Water Management Facility

No change was made.

E-13 - Bogley Branch Dry Pond

No change was made.

E-15 - Rockcrest Park Dry Pond

No change was made.

E-25 - Dogwood Park Dry Pond

No change was made.

E-32 - Rockville Heights Dry Pond

No change was made.

E-33 - Rockmead Park Storm Water Management Facility

No change was made.

E-34 - Maryvale Park Dry Pond II

No change was made.

E-201 - B&O Station Historic District Improvements

It was agreed that comment on this would be made at a later time.

E-407 - Cabin John Outfall Relief Sewer Phase III

No change was made

E-411 - Watts Branch/Northwest Branch Relief Sewer

No change was made.

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## Re: Adjournment

Having reached the adjournment time, Mayor Freeland suggested the Mayor and Council adjourn. The Planning Commission has not had an opportunity to discuss the rest of the Capital Improvements Program but will remain this evening to do so and forward their recommendations to the Mayor and Council.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council work session was adjourned at 10:45 p.m. to meet again in general session on Monday, May 24, 1982, in executive session at 7:30 p.m. and at 8:00 p.m. in general session or at the call of the Mayor.